THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17047 OF 2007

Between:

Parlpalli Goutham

…Petitioner

Vs.

The Principal Secretary to Government, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad and others

…Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17047 OF 2007

ORAL ORDER

In substance, the petitioner is aggrieved that the 2nd and 3rd respondents are not considering his case for admission into MBBS under the NCC quota under priority II(iv). In support of his claim for admission under priority-II(iv) under the NCC quota, the petitioner relies on a basic course certificate and report issued by the Himalayan Mountaineering Institute, Darjeeling, West Bengal, India. The petitioner is certified to have participated in the 260th basic course during the period 07-05-2007 to 03-6-2007, at the training sponsored by the NCC. His participation and his personality are well certified at this course, as per the certificate.

In the guidelines issued for allotment of seats in undergraduate courses under category of Sports and Games, NCC etc., in respect of NCC three generic priorities are spelt out. The petitioner claims admission under priority-II(iv). Priority-II is in respect of NCC cadets participating at National level and priority No.iv is participants of mountaineering at National level.

The 3rd respondent has filed a counter-affidavit stating that since the petitioner had acquired a NCC ("B" certificate) and had attended Independence Parade at the State level, he was considered for priority NO.III(ii), as per the provisions of G.O.Ms.No.132, dated 31-05-2002. With regard to petitioner's claim for priority No.II(iv), the counter states that the

basic mountaineering course at the Himalayan Mountaineering Institute is a normal routine course and does not amount to participation in a Mountaineering Expedition or Mountaineering activity or event at the National level. The Himalayan Mountaineering Institute is one of the three Mountaineering Institutions in India, which is accredited as all these institutions are located in hilly regions on account of terrain advantages. Each of these institutions conduct several courses such as Adventure Course, Basic Mountaineering Course, Advanced Mountaineering Course etc. After a person qualifies in the Basic Mountaineering Course, he is recommended for the Advanced Course. After success in the Advanced Course, a recommendation is issued by the Institution for suitability for a mountaineering expedition. The course undergone by the petitioner is the basic mountaineering course and the certificate merely entitles him to pursue an Advanced Mountaineering Course. Participation at a Mountaineering event including a National event is subsequent to obtaining advanced Mountaineering Training. The petitioner did not participate in any National Level event. He merely participated in a basic mountaineering course and therefore is ineligible to be considered in priority No.II(iv).

The petitioner does not contest the averments in the counter by the 3rd respondent nor does he dispute or contest the interpretation of the guidelines or the rejection of his eligibility by the 3rd respondent.

Another contention urged on behalf of the petitioner is that though the quantum of reservation provided for NCC is 0.25%, as per G.O.Ms.No.231, Health, Medical and Family Welfare Department dated 11.7.2007, the NTR University of Health Sciences has only earmarked one (1) seat for NCC quota, though the number of seats available is around 950.

The 2nd respondent has filed a counter affidavit stating that the number of seats to be filled in by the competent authority i.e., the University is 830. In all, the percentage of reservation for NCC being 0.25% in each category as per G.O.Ms.No.231 (horizontal application), only the seats available for OC which are 415 have been taken into consideration. In respect of each of the reserved categories the number of seats available does not enable provision of 0.25 % reservation for each such category. For the 415 OC seats, applying 0.25% for NCC, the number of seats that could be earmarked comes to 1.035, rounded off to one (1). Accordingly only one (1) seat was earmarked for NCC, is the defence by the University.

Neither the petitioner nor the learned counsel for the petitioner is able to fault this contention by the University. Clearly, since the quantum of reservation provided for NCC is 0.25% and the number of seats available for each reserved category in the Osmania University area is such as would disable earmarking even one (1) seat under the 0.25% reservation set apart for NCC candidates, the University has rightly considered only OC seats which are only 415 in number for administering a quota for NCC. Such an impeccable procedure adopted by the respondent-University conforms to rationality standards and is unimpeachable.

For the foregoing reasons, there are no merits in the writ petition which is accordingly dismissed. There shall be no order as to costs.

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GODA RAGHURAM,J

6th November,2007
PVSN/*TSNR/CVM